

108TH CONGRESS
1ST SESSION

S. 558

To elevate the position of Director of the Indian Health Service within the Department of Health and Human Services to Assistant Secretary for Indian Health, and for other purposes.

IN THE SENATE OF THE UNITED STATES

MARCH 6, 2003

Mr. MCCAIN (for himself, Mr. BINGAMAN, Mr. CAMPBELL, Mrs. MURRAY, Mr. JOHNSON, and Mr. DOMENICI) introduced the following bill; which was read twice and referred to the Committee on Indian Affairs

A BILL

To elevate the position of Director of the Indian Health Service within the Department of Health and Human Services to Assistant Secretary for Indian Health, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. OFFICE OF ASSISTANT SECRETARY FOR INDIAN**
4 **HEALTH.**

5 (a) DEFINITIONS.—In this section:

6 (1) ASSISTANT SECRETARY.—The term “Assist-
7 ant Secretary” means the Assistant Secretary for
8 Indian Health appointed under subsection (b)(2)(A).

1 (2) DEPARTMENT.—The term “Department”
 2 means the Department of Health and Human Serv-
 3 ices.

4 (3) OFFICE.—The term “Office” means the Of-
 5 fice of the Assistant Secretary for Indian Health es-
 6 tablished by subsection (b)(1).

7 (4) SECRETARY.—The term “Secretary” means
 8 the Secretary of Health and Human Services.

9 (b) ESTABLISHMENT.—

10 (1) IN GENERAL.—There is established within
 11 the Department the Office of the Assistant Sec-
 12 retary for Indian Health.

13 (2) ASSISTANT SECRETARY.—

14 (A) IN GENERAL.—Except as provided in
 15 subparagraph (B), the Office shall be headed by
 16 an Assistant Secretary for Indian Health, to be
 17 appointed by the President, by and with the ad-
 18 vice and consent of the Senate.

19 (B) CONTINUED SERVICE BY INCUM-
 20 BENT.—The individual serving in the position
 21 of Director of the Indian Health Service on the
 22 day before the date of enactment of this Act
 23 may serve as Assistant Secretary at the pleas-
 24 ure of the President after the date of enactment
 25 of this Act.

1 (3) DUTIES.—The position of Assistant Sec-
 2 retary is established to, in a manner consistent with
 3 the government-to-government relationship between
 4 the United States and Indian tribes—

5 (A) facilitate advocacy for the development
 6 of appropriate Indian health policy; and

7 (B) promote consultation on matters relat-
 8 ing to Indian health.

9 (c) ASSISTANT SECRETARY FOR INDIAN HEALTH.—
 10 In addition to the functions performed as of the date of
 11 enactment of this Act by the Director of the Indian Health
 12 Service, the Assistant Secretary shall—

13 (1) report directly to the Secretary concerning
 14 all policy- and budget-related matters affecting In-
 15 dian health;

16 (2) collaborate with the Assistant Secretary for
 17 Health concerning appropriate matters of Indian
 18 health that affect the agencies of the Public Health
 19 Service;

20 (3) advise each Assistant Secretary of the De-
 21 partment concerning matters of Indian health with
 22 respect to which that Assistant Secretary has au-
 23 thority and responsibility;

24 (4) advise the heads of other agencies and pro-
 25 grams of the Department concerning matters of In-

1 dian health with respect to which those heads have
2 authority and responsibility;

3 (5) coordinate the activities of the Department
4 concerning matters of Indian health; and

5 (6) perform such other functions as the Sec-
6 retary may designate.

7 (d) RATE OF PAY.—

8 (1) POSITIONS AT LEVEL IV.—Section 5315 of
9 title 5, United States Code, is amended by striking
10 “Assistant Secretaries of Health and Human Serv-
11 ices (6).” and inserting “Assistant Secretaries of
12 Health and Human Services (7).”.

13 (2) POSITIONS AT LEVEL V.—Section 5316 of
14 title 5, United States Code, is amended by striking
15 “Director, Indian Health Service, Department of
16 Health and Human Services.”.

17 (e) DUTIES OF ASSISTANT SECRETARY FOR INDIAN
18 HEALTH.—Section 601 of the Indian Health Care Im-
19 provement Act (25 U.S.C. 1661) is amended by striking
20 the section heading and all that follows through subsection
21 (a) and inserting the following:

22 **“SEC. 601. ESTABLISHMENT OF THE INDIAN HEALTH SERV-**
23 **ICE AS AN AGENCY OF THE PUBLIC HEALTH**
24 **SERVICE.**

25 “(a) ESTABLISHMENT.—

1 “(1) IN GENERAL.—In order to more effectively
2 and efficiently carry out the responsibilities, authori-
3 ties, and functions of the United States to provide
4 health care services to Indians and Indian tribes,
5 there is established within the Public Health Service
6 of the Department of Health and Human Services
7 the Indian Health Service.

8 “(2) ADMINISTRATION.—The Indian Health
9 Service shall be administered by the Assistant Sec-
10 retary for Indian Health.

11 “(3) DUTIES.—In carrying out paragraph (2),
12 the Assistant Secretary shall—

13 “(A) report directly to the Secretary con-
14 cerning all policy- and budget-related matters
15 affecting Indian health;

16 “(B) collaborate with the Assistant Sec-
17 retary for Health concerning appropriate mat-
18 ters of Indian health that affect the agencies of
19 the Public Health Service;

20 “(C) advise each Assistant Secretary of the
21 Department of Health and Human Services
22 concerning matters of Indian health with re-
23 spect to which that Assistant Secretary has au-
24 thority and responsibility;

1 “(D) advise the heads of other agencies
2 and programs of the Department of Health and
3 Human Services concerning matters of Indian
4 health with respect to which those heads have
5 authority and responsibility;

6 “(E) coordinate the activities of the De-
7 partment of Health and Human Services con-
8 cerning matters of Indian health; and

9 “(F) perform such other functions as the
10 Secretary may designate.”.

11 (f) CONFORMING AMENDMENTS.—

12 (1) AMENDMENTS TO INDIAN HEALTH CARE IM-
13 PROVEMENT ACT.—The Indian Health Care Im-
14 provement Act is amended—

15 (A) in section 601 (25 U.S.C. 1661)—

16 (i) in subsection (c), by striking “Di-
17 rector of the Indian Health Service” each
18 place it appears and inserting “Assistant
19 Secretary for Indian Health”; and

20 (ii) in subsection (d)(1), by striking
21 “Director of the Indian Health Service”
22 and inserting “Assistant Secretary for In-
23 dian Health”; and

24 (B) in section 816(c)(1) (25 U.S.C.
25 1680f(c)(1)), by striking “Director of the In-

1 dian Health Service” and inserting “Assistant
2 Secretary for Indian Health”.

3 (2) AMENDMENTS TO OTHER PROVISIONS OF
4 LAW.—

5 (A) Section 3307(b)(1)(C) of the Chil-
6 dren’s Health Act of 2000 (25 U.S.C. 1671
7 note; Public Law 106–310) is amended by
8 striking “Director of the Indian Health Serv-
9 ice” and inserting “Assistant Secretary for In-
10 dian Health”.

11 (B) The Indian Lands Open Dump Clean-
12 up Act of 1994 is amended—

13 (i) in section 3 (25 U.S.C. 3902)—

14 (I) by striking paragraph (2);

15 (II) by redesignating paragraphs
16 (1), (3), (4), (5), and (6) as para-
17 graphs (4), (5), (2), (6), and (1), re-
18 spectively, and moving those para-
19 graphs so as to appear in numerical
20 order; and

21 (III) by inserting before para-
22 graph (4) (as redesignated by sub-
23 clause (II)) the following:

“(3) ASSISTANT SECRETARY.—The term ‘Assistant Secretary’ means the Assistant Secretary for Indian Health.”;

(ii) in section 5 (25 U.S.C. 3904), by striking the section heading and inserting the following:

“SEC. 5. AUTHORITY OF ASSISTANT SECRETARY FOR INDIAN HEALTH.”;

(iii) in section 6(a) (25 U.S.C. 3905(a)), in the subsection heading, by striking “DIRECTOR” and inserting “ASSISTANT SECRETARY”;

(iv) in section 9(a) (25 U.S.C. 3908(a)), in the subsection heading, by striking “DIRECTOR” and inserting “ASSISTANT SECRETARY”; and

(v) by striking “Director” each place it appears and inserting “Assistant Secretary”.

(C) Section 5504(d)(2) of the Augustus F. Hawkins–Robert T. Stafford Elementary and Secondary School Improvement Amendments of 1988 (25 U.S.C. 2001 note; Public Law 100–297) is amended by striking “Director of the

1 Indian Health Service” and inserting “Assist-
2 ant Secretary for Indian Health”.

3 (D) Section 203(a)(1) of the Rehabilitation
4 Act of 1973 (29 U.S.C. 763(a)(1)) is amended
5 by striking “Director of the Indian Health
6 Service” and inserting “Assistant Secretary for
7 Indian Health”.

8 (E) Subsections (b) and (e) of section 518
9 of the Federal Water Pollution Control Act (33
10 U.S.C. 1377) are amended by striking “Direc-
11 tor of the Indian Health Service” each place it
12 appears and inserting “Assistant Secretary for
13 Indian Health”.

14 (F) Section 317M(b) of the Public Health
15 Service Act (42 U.S.C. 247b–14(b)) is amend-
16 ed—

17 (i) by striking “Director of the Indian
18 Health Service” each place it appears and
19 inserting “Assistant Secretary for Indian
20 Health”; and

21 (ii) in paragraph (2)(A), by striking
22 “the Directors referred to in such para-
23 graph” and inserting “the Director of the
24 Centers for Disease Control and Preven-

1 tion and the Assistant Secretary for Indian
2 Health”.

3 (G) Section 417C(b) of the Public Health
4 Service Act (42 U.S.C. 285–9(b)) is amended
5 by striking “Director of the Indian Health
6 Service” and inserting “Assistant Secretary for
7 Indian Health”.

8 (H) Section 1452(i) of the Safe Drinking
9 Water Act (42 U.S.C. 300j–12(i)) is amended
10 by striking “Director of the Indian Health
11 Service” each place it appears and inserting
12 “Assistant Secretary for Indian Health”.

13 (I) Section 803B(d)(1) of the Native
14 American Programs Act of 1974 (42 U.S.C.
15 2991b–2(d)(1)) is amended in the last sentence
16 by striking “Director of the Indian Health
17 Service” and inserting “Assistant Secretary for
18 Indian Health”.

19 (J) Section 203(b) of the Michigan Indian
20 Land Claims Settlement Act (Public Law 105–
21 143; 111 Stat. 2666) is amended by striking
22 “Director of the Indian Health Service” and in-
23 serting “Assistant Secretary for Indian
24 Health”.

1 (g) REFERENCES.—Any reference to the Director of
2 the Indian Health Service in any other Federal law, Exec-
3 utive order, rule, regulation, or delegation of authority, or
4 in any document of or relating to the Director of the In-
5 dian Health Service, shall be deemed to refer to the Assist-
6 ant Secretary.

